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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,994	02/09/2005	Kazunori Tanaka	49677-165	2851
20277 7590 07/23/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
TRAN, HOANG Q				
ART UNIT		PAPER NUMBER		
2874				
MAIL DATE		DELIVERY MODE		
07/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/523,994

**Applicant(s)**

TANAKA ET AL.

**Examiner**

HOANG TRAN

**Art Unit**

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1, 4-12, and 14 is/are allowed.  
6) ☒ Claim(s) 13 and 15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US Patent Application to Kim (2004/0109650) in view of the US Patent Application Publication to Ono (2003/0158309).**

In terms of Claim 15, Kim teaches a buffered cable having a primary [0014] and second coating layer [0016] on an outer peripheral surface of a glass fiber (Fig 1), Kim does not teach wherein a second resin composition constituting the second coating layer comprises a base polymer and 100 to 250 parts of metal hydroxide and 10 to 100 weight parts of a nitrogen base flame retardant material per 100 weight parts of the base polymer, and wherein the second resin composition does not contain halogenated materials further wherein polymer is constituted of a non-crystalline resin and wherein the base polymer comprises a mixture of polystyrene and polyphenylene base polymer. Ono does teach resin base polymer with flame retardant properties (Abstract), wherein a resin composition constituting the second coating layer comprises a base polymer and 100 to 250 parts of metal hydroxide [0079 and [0018] and 10 to 100 weight parts of a

nitrogen base flame retardant material per 100 weight parts of the base polymer ([0019] and [022]) , and wherein the second resin composition does not contain halogenated materials ([00135]) further wherein polymer is constituted of a non-crystalline resin ([0153] and [0066]) and wherein the base polymer comprises a mixture of polystyrene ([0066]) or polyphenylene base polymer ([0153]). **A motivation** for such an application would be to produce a halogen free polycarbonate resin composition having excellent transparency and dripping preventing properties (Ono's [Abstract]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ono to the fiber cable of Kim with its flame retardant properties.

**Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US Patent Application to Kim (2004/0109650) in view of the US Patent Application Publication to Ono (2003/0158309) further in view of Caveney (2003/0128938).**

In terms of Claim 13, Kim teaches a buffered cable having a primary [0014] and second coating layer [0016] on an outer peripheral surface of a glass fiber (Fig 1), Kim does not teach wherein a second resin composition constituting the second coating layer comprises a base polymer and 100 to 250 parts of metal hydroxide and 10 to 100 weight parts of a nitrogen base flame retardant material per 100 weight parts of the base polymer, and wherein the second resin composition does not contain halogenated materials further wherein polymer is constituted of a non-crystalline resin and wherein the base polymer comprises a mixture of polystyrene and polyphenylene base polymer. Ono does teach resin base polymer with flame retardant properties (Abstract), wherein

a resin composition constituting the second coating layer comprises a base polymer and 100 to 250 parts of metal hydroxide [0079 and [0018] and 10 to 100 weight parts of a nitrogen base flame retardant material per 100 weight parts of the base polymer ([0019] and [022]) , and wherein the second resin composition does not contain halogenated materials ([00135]) further wherein polymer is constituted of a non-crystalline resin ([0153] and [0066]) and wherein the base polymer comprises a mixture of polystyrene [0066]) or polyphenylene base polymer ([0153]). **A motivation** for such an application would be to produce a halogen free polycarbonate resin composition having excellent transparency and dripping preventing properties (Ono's [Abstract]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Ono to the fiber cable of Kim with its flame retardant properties. Kim in view of Ono does not teach the buffer cable being connected to a ferrule connector wherein the coating end surface abuts against and abutting end surface of said ferrule. Caveney does teach a fiber cable wherein the end surface abuts against the ferrule connector (Fig 3) in order to couple a fiber optical cable to a connector. **A motivation** for this application would be to allow the buffered cable to interface with other external optical components within and optical system in a manner, which would limit loss and still maintain reasonable mechanical durability between the ferrule connector and the buffer fiber cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Caveney to Kim and Ono optical cable in order to couple optical transmission to an external component efficiently.

***Allowable Subject Matter***

Claim 1, 4-12, and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: In this case the closest prior art of record belongs to the prior art of Kim (2004/0109650), Ono (2003/0158309).

Kim does not teach wherein a second resin composition constituting the second coating layer comprises a base polymer and 100 to 250 parts of metal hydroxide and 10 to 100 weight parts of a nitrogen base flame retardant material per 100 weight parts of the base polymer, and wherein the second resin composition does not contain halogenated materials further wherein polymer is constituted of a non-crystalline resin and wherein the base polymer comprises a mixture of polystyrene and polyphenylene base polymer. Kim is also silent to the mixture of polystyrene-base polymer and polyphenylene ether polymer in the second resin.

Ono is silent to the mixture of polystyrene base polymer and polyphenylene base polymer in the second resin.

The combination of Kim and Ono fails to teach all the limitation indicated above, hence the claims are allowable.

***Response to Arguments***

Applicant's arguments, see Remarks, filed 04/04/2008 with respect to 1, 13, and 15 have been fully considered and are persuasive. The Non-Final Rejection of 01/08/2008 has been withdrawn. The newly amended limitations to Claim 1 have been

considered by the examiner. The examiner has indicated the follow subject matter to be allowable in the response above.

Claims 13 and 15 are now address and detailed in the rejection above. Claims 15 is rejected over the prior art of Kim and Ono because Ono teaches a base component wherein polystyrene is present. The grounds of rejection to Claim 15 have been detailed above as well.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOANG TRAN whose telephone number is (571)272-5049. The examiner can normally be reached on 9:00AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoang Tran/  
Examiner, Art Unit 2874

/Sung H. Pak/  
Primary Examiner, Art Unit 2874